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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marcial, et al.

Serial No.: 09/747,908

Filed: December 22, 2000

For: ACCOUNT RECONCILIATION
METHODS AND SYSTEMS



Art Unit: 3627

Examiner: James S. McClellan

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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The Office Action mailed August 13, 2003 has been carefully reviewed and the following remarks have been submitted in consequence thereof. In response to the election requirement set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application all claims of Group II as identified in the Office Action. Claims 24-73 are in the elected claim group.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. To the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

The restriction requirement with respect to the claims in Groups I and II is further traversed. The Office Action asserts that the claims in Groups I and II are distinct because the product as claimed (Group II) "can be used in a materially different process." The Office Action suggests as an example "the product of Claim 24 including at least one computer, a server, a network, and a user interface can be used for nearly any network computer processing including

employee payroll or inventory management.” Applicants note that the claims in Groups I and II both include an account reconciliation system claimed in a similar fashion. Thus, Applicants respectfully submit that the method recited in Claims 1-23 (Group I), and the system recited in Claims 24-73 (Group II) are related and are not patentably distinct, and that the restriction requirement should be withdrawn.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,



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